

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Matthew Alan Eagleman,	)	
	)	
Plaintiff,	)	<b>ORDER RE MOTION FOR RECONSIDERATION TO APPOINT COUNSEL</b>
	)	
vs.	)	
	)	
Steve Larson, Human Relations	)	
Counselor, Bob Coad, Deputy Warden;	)	
Steve Heit, Case Manager; Timothy	)	
Schuetzle, Warden; and Elaine Little,	)	Case No. 1:05-cv-037
DOCR Director; in their individual and	)	
official capacities,	)	
	)	
Defendants.	)	

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Before the court is the plaintiff's Motion for Reconsideration to Appoint Counsel. On June 6, 2005, the plaintiff moved this court to appoint him counsel for his 42 U.S.C. § 1983 action. The court denied his motion. (Docket No. 15). The plaintiff has now filed his third motion to reconsider the court's order denying him court appointed counsel. (Docket Nos. 17, 38, 44). The last order denying the plaintiff's motion to reconsider was January 12, 2006.

In the plaintiff's current motion, he again claims that he will not be able to submit a meaningful response to the defendants' motion for summary judgment. His arguments for the appointment of counsel in his current motion are the same as his three previous motions with the additional emphasis on the short time frame remaining to respond to the defendants' summary judgment motion.

The court finds the plaintiff's circumstances have not changed since his previous motion to merit the appointment of counsel. If the plaintiff has any concerns regarding his ability to respond to the summary judgment motion, he may request a extension of time to file a response, which the court has granted to the plaintiff on several other occasions. After reviewing the factors identified

by the Eighth Circuit Court of Appeals, the court finds that appointment of counsel at this stage is not necessary. Accordingly plaintiff's Motion to Appoint Counsel (Docket No. 44) is **DENIED** without prejudice.

**IT IS SO ORDERED.**

Dated this 28th day of February, 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge